

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA (ATLANTA)**

JOSHUA FRIEDMAN,

Plaintiff,

Case No.

v.

NAVIENT SOLUTIONS, LLC.

Defendant.

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**NOTICE OF REMOVAL**

PLEASE TAKE NOTICE that pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, defendant, Navient Solutions, LLC (“NSL”), through undersigned counsel hereby removes this action from the Magistrate Court of Gwinnett County, State of Georgia. The following facts support removal on the basis of the existence of federal question jurisdiction:

1. On or about November 20, 2018, Joshua Friedman (the "Plaintiff") commenced this action by filing a Statement of Claim in the Magistrate Court of Gwinnett County. A copy of the Statement in Claim, together with copies of all process, pleadings and orders served on NSL, is attached hereto as **Exhibit A**.

2. NSL was served with the Statement of Claim on December 12, 2018.  
*See Exhibit A.*

3. This action is a civil action of which the United States District Court for the Northern District of Georgia (Atlanta) has original jurisdiction under 28 U.S.C. § 1331, and is one which may be removed to this Court by NSL pursuant to the provisions of 28 U.S.C. § 1441(a), in that it arises from the furnishing of alleged inaccurate credit information, specifically “slander of credit.” To the extent asserted, Plaintiff’s state and/or common law claim for “slander of credit” are completely preempted by the Fair Credit Reporting Act ("FCRA"), 15 U.S.C. § 1681, *et. seq.* See 15 U.S.C.A. § 1681h(e) (“no consumer may bring any action or proceeding in the nature of defamation . . . against . . . any person who furnishes information to a consumer reporting agency. . . except as to false information furnished with malice or willful intent to injure such consumer”).

4. This Court has original jurisdiction over the claims as set forth in the State of Claim pursuant to 28 U.S.C. § 1331.

5. The Northern District of Georgia, Atlanta Division is the United States District Court and division thereof embracing the place where the state court action is pending.

6. This Notice of Removal is being filed within thirty (30) days after service of the State of Claim upon NSL.

7. On this date, the defendant, NSL, served the Clerk of the Magistrate Court of Gwinnett County, State of Georgia a Notice of Filing of this Notice of Removal, together with Exhibits, for filing, pursuant to 28 U.S.C. § 1446(d).

**Exhibit B.**

8. On this date, NSL, served on the pro se plaintiff a copy of the Notice of Filing of this Notice of Removal, with Exhibits, pursuant to 28 U.S.C. § 1446(d).

WHEREFORE, Defendant, Navient Solutions, LLC, respectfully requests that this Court assume jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1446.

Respectfully submitted,

/s/ Kirsten H. Smith  
Kirsten H. Smith, Esq. (#702220)  
Sessions Fishman Nathan & Israel  
3850 N. Causeway Blvd., Suite 200  
Metairie, Louisiana 70002  
Telephone: (504) 846-7943  
Facsimile: (504) 828-3737  
Email: [ksmith@sessions.legal](mailto:ksmith@sessions.legal)  
Attorneys for Defendant,  
Navient Solutions, LLC

**CERTIFICATE OF SERVICE AND COMPLIANCE**

I hereby certify that on January 4, 2019, a copy of the foregoing was electronically filed with the Clerk of the Court, United States District Court for the Northern District of Georgia and served via Federal Express to the following:

Joshua Friedman -Pro Se  
301 Pebblebrooke Trace  
Canton, GA 30115

I additionally certify that the above-referenced document has been prepared in Times New Roman (14 point) font and this satisfies the font size requirements of this Court.

/s/ Kirsten H. Smith  
Attorney